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SUBDIVISION ORDINANCE

#13

CITY OF ELGIN, OREGON

Prepared for the

ELGIN CITY COUNCIL

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Page

SUBDIVISION ORDINANCE

City of Elgin, Oregon

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ORDINANCE NUMBER 13

SERIES 1974

AN ORDINANCE ESTABLISHING SUBDIVISION REGULATIONS FOR THE CITY OF ELGIN, OREGON.

THE CITY OF ELGIN, OREGON, ORDAINS as follows:

Section 1: TITLE. This ordinance shall be known as the Subdivision Ordinance of the City of Elgin, Oregon.

Section 2: PURPOSE. The purpose of this ordinance is to allow for the orderly and economic development of land under the jurisdiction of the City of Elgin, Oregon. The ordinance provides rules, regulations, and standards to govern the approval of plats of subdivisions, and the partitioning of land by the creation of a street or way. The ordinance is intended to insure adequate provision for traffic movement, light and air, water supply, sewerage, drainage, and community facilities, and in general to protect the public health, safety and welfare.

Section 3: APPROVAL OF SUBDIVISIONS. All subdivision plats and all streets or ways created for the purpose of partitioning land shall be approved by the City Council in accordance with these regulations. A person desiring to subdivide land, or partition land by creating a street or way shall submit preliminary plans and final documents for approval as provided in this ordinance and in the state law.

Section 4: DEFINITIONS.

(1) Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(2) Building Line. A line on a plat indicating the limit beyond which buildings or structures may not be erected.

(3) City. City of Elgin, Oregon.

(4) City Council. Elgin City Council.

(5) Development plan. Any plan adopted by the City Council for the guidance of growth and improvement of the City, including

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adjustments made from time to time to meet changing conditions or unanticipated problems and conditions affecting the public or land owners.

(6) Easement. A grant of the right to use a strip of land for specific purposes.

(7) Frontage. All the property abutting a street.

(8) Lot. A parcel or tract of land.

(9) Lot, double frontage. A lot having frontage on two parallel or approximately parallel streets other than alleys.

(10) No access strip. A narrow strip of land adjacent to a right of way dedicated to exclude vehicular ingress or egress from the right of way.

(11) Pedestrian Way. A dedicated right of way for pedestrian traffic.

(12) Person. Every natural person, firm, partnership, association, or corporation.

(13) Plat. Includes a final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision by which the subdivider's plan of subdivision is presented, and which he submits for approval and intends in final form to record.

(14) Right of way. The area between boundary lines of a street or other easement.

(15) Roadway. The portion or portions of street right of way developed for vehicular traffic.

(16) Sidewalk. A pedestrial walkway with permanent surfacing.

(17) Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and including the terms "road," "highway," "land," "place," "avenue," "alley," or other similar designation.

(a) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties other-

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wise abutting on another street.

(b) Arterial. A street which is used primarily for through traffic or which, by its location, will likely be needed for such use in the normal growth of the area.

(c) Collector. A street supplementary to the arterial street system used to some extent for through traffic and to some extent for access to abutting properties.

(d) Cul-de-sac (dead-end street). A street having one end open to traffic and being terminated by a turn-around.

(e) Half-street. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street has been or could later be provided in another subdivision.

(f) Local street. A residential street intended exclusively for access to abutting properties.

(g) Marginal access street (frontage road). A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

(18) Street plug. A narrow strip of land located between a subdivision and other property, not dedicated to public use, but conveyed to the city or county for the purpose of giving the city or county control over development of adjacent property.

(19) Subdivision. Either an act of subdividing land or a tract of land subdivided as defined in this section.

PRELIMINARY PLAT

Section 5: SUBMISSION OF PRELIMINARY PLAT. The subdivider or owner shall prepare a Preliminary Plat, together with improvement plans and other supplementary material as specified in the Preliminary Plat. The subdivider shall submit five (5) copies of the Preliminary Plat to the City Recorder's Office at least ten (10) days prior to the

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City Council meeting at which the plat will be considered.

Section 6: SCALE. The Preliminary Plat shall be drawn on a sheet 18 x 24 inches in size or a multiple thereof at a scale of one inch equals 100 feet or, for areas over 100 acres, one inch equals 200 feet.

Section 7: GENERAL INFORMATION. The following general information shall be shown on the Preliminary Plat.

(1) Proposed name of the subidvision. This name must not duplicate nor resemble the name of another subdivision in the county and shall be approved by the City Council.

(2) Date, northpoint, and scale of drawing.

(3) Appropriate identification clearly stating the map is a preliminary plat.

(4) Location of the subdivision sufficient to define the location and boundaries of the proposed tract.

(5) Names and addresses of the owner, subdivider, and engineer or surveyor.

Section 8: EXISTING CONDITIONS. The follwoing existing conditions shall be shown on the Preliminary Plat:

(1) The location, width, and names of all existing or platted streets within or adjacent to the tract, together with easements and other important features, such as section lines and corners, city boundary lines, and monuments.

(2) Contour lines related to a U. S. Coast and Geodetic survey bench mark and having contour intervals of a minimun of five feet for slopes up to 10% and ten feet for slopes over 10%.

(3) The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes, and electric lines proposed to service the property to be subdivided.

(4) Zoning within and adjacent to the tract.

Section 9: PROPOSED PLAN OF LAND PARTITIONING. The following

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information shall be included on the Preliminary Plat.

(1) The location, width, name and approximate grade of all streets. The relationship of all streets to any projected streets as shown on any development plan adopted by the City Council, or, if no development plan has been adopted, as may be suggested by the City Council in order to assure adequate traffic circulation.

(2) The location and purpose of easements.

(3) The location, approximate dimensions, and proposed lot numbers of all lots.

Section 10: PARTIAL DEVELOPMENT. Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the City Council may require a sketch of a tentative layout for streets in the unsubdivided portion.

Section 11: EXPLANATORY INFORMATION WITH PRELIMINARY PLAT. The following information shall be submitted in separate statements accompanying the Preliminary Plat or, if practicable, shall be shown on the Preliminary Plat:

(1) A vicinity map, showing existing subdivisions, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets may be extended to connect the existing streets.

(2) Proposed deed restrictions, if any, in outline form.

(3) Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of this ordinance, state laws, and other applicable city ordinances. If the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the Preliminary Plat, the additional details shall be submitted at least thirty (30) days prior to the time approval of the final plat is requested.

Section 12: PRELIMINARY REVIEW OF PROPOSAL. Within two (2)

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days after being submitted by the subdivider, the City Recorder shall furnish one copy of the Preliminary Plat and supplemental material to the county surveyor, to the State Board of Health if the property is not to be served by sewers, and to the State Highway Department if the property is adjacent to a state highway. These agencies will be given at least thirty (30) days to review the plan, suggest revisions, and return the plans to the City.

Section 13: TENTATIVE APPROVAL OF PRELIMIANRY PLAT. Within forty (40) days from the first regular City Council meeting following submission of the proposed plat, the City Council shall review the plan of the plat and the reports of the officials and agencies listed above. The City Council may approve the Preliminary Plat as submitted or as it may be modified. If the City Council does not approve the plat, it shall express its disapproval and its reasons therefor. Approval of the Preliminary Plat shall indicate approval of the Final Plat provided there is no change in the plan of the subdivision and provided the subdivider complies with the requirements of this ordinance. The action of the City Council shall be noted on two copies of the Preliminary Plat, including reference to any attached documents describing conditions imposed by the Council. The City Council shall return one copy to the subdivider and retain the other.

FINAL PLAT

Section 14: SUBMISSION OF THE FINAL PLAT. Within six (6) months after tentative approval of the Preliminary Plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a Final Plat prepared in conformance with the Preliminary Plat as tentatively approved. The subdivider shall submit the original drawing, a cloth copy, five prints of the Final Plat, and any supplementary information to the City Recorder. If the subdivider wishes to proceed with the subdivision after the expiration of the

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six-month period following the tentative approval of the Preliminary Plat by the City Council, he must resubmit his Preliminary Plat to the City Council and make any revisions which the City Council considers necessary to meet changed conditions.

Section 15: INFORMATION ON FINAL PLAT. In addition to that otherwise specified by law, the following information shall be shown on the Final Plat:

(1) The date, scale, northpoint, legend, and controlling topography such as creeks and highways.

(2) Legal description of the tract boundaries.

(3) Name and address of the owner, subdivider, and engineer or surveyor.

(4) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

(a) Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.

(b) Adjoining corners of adjoining subdivisions.

(c) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.

(5) The exact location and width of streets and easements intersecting the boundary of the tract.

(6) Lines with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings for tract, lot, and block boundaries, and street right-of-way and center lines. Tract boundaries and street bearings shall be shown to the nearest ten (10) seconds with basis of bearings. All distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

(7) The width of the portion of streets being dedicated, the width of any existing right of way, and the width on each side of the center line. For streets on curvature, curve data shall be based

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on the street center line, and in addition to the center-line dimensions, the radius and central angle shall be indicated.

(8) Easements denoted by fine dotted lines, clearly identified and, if already of record, the recorded reference. If an easement is not definitely located of record, a statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

(9) Lot numbers beginning with the number "1" and numbered consecutively in each block.

(10) Block letters beginning with the letter "A" and continuing consecutively without omission or duplication throughout the subdivision. The letters shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block letters in an addition to a subdivision of the same name shall be a continuation of the lettering in the original subdivision.

(11) Land parcels to be dedicated for any purpose, public or private, as distinguished from lots intended for sale.

(12) Building setback lines, if any, are to be made a part of the subdivision restrictions.

(13) The following certificates, which may be combined where appropriate:

(a) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.

(b) A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map as intended for any public use, except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants.

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(c) A certificate signed by the engineer or surveyor responsible for the survey and final map. The seal and signature of the engineer or surveyor.

(d) All other certifications now or hereafter required by law.

Section 16: SUPPLEMENTAL INFORMATION WITH FINAL PLAT. The following shall accompany the Final Plat:

(1) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

(2) Sheets and drawings showing the following:

(a) Traverse data including the coordinates of the boundary of the subdivision and showing the error of closure, if any.

(b) The computation of all distances, angles, and courses shown on the final map.

(c) Ties to existing monuments, proposed monuments, adjacent subdivisions and street corners.

(3) A copy of any deed restrictions applicable to the subdivision.

(4) A certificate by the City Recorder certifying that the subdivider has complied with one of the following alternatives:

(a) All improvements have been installed in accordance with these regulations and with the action of the City Council giving conditional approval of the Preliminary Plat.

(b) An agreement has been executed as provided in Sections 19 and 20 to assure completion of all required improvements.

Section 17: TECHNICAL REVIEW. Upon receipt by the City, the final map and other data shall be reviewed by the City Council, who shall determine whether the subdivision as shown is substantially the same as it appeared on the approved Preliminary Plat and that

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there has been compliance with provisions of the law and of this ordinance. The City may make such checks in the field as are necessary to verify that the map is correct, and City representatives may enter the property for this purpose. Certification of the ~~City~~ County Surveyor Engineer shall be used to determine that the map and survey are technically correct.

Section 18: APPROVAL OF THE FINAL PLAT. Upon receipt of the Final Plat, the City Council shall determine whether it conforms with the approved Preliminary Plat and with these regulations. The City Council shall approve the plat if it determines that the plat conforms to all requirements and that the supplementary documents and provisions for required improvements are satisfactory. If the City Council does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make the necessary changes. Approval shall be indicated by signature of the Mayor. Approval of the Final Plat by the City Council shall not constitute an acceptance by the public of the dedication of any street or other easement of way shown on the plat.

Section 19: AGREEMENT FOR IMPROVEMENTS. Before City Council approval is certified on the Final Plat the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision, or execute and file with the City Recorder an agreement between himself and the city, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense from the subdivider. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City, which shall not exceed ten percent (10%) of the cost of the improvements to be installed. Minimum units will be one block of street frontage.

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Section 20: BOND.

(1) The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

(a) A surety bond executed by a surety company authorized to transact business in the state of Oregon, in a form approved by the City Attorney.

(b) An agreement, duly signed and executed by the subdivider, assigning his account in a legal savings institution in the state of Oregon to the City of Elgin.

(c) Cash.

(2) Such assurance of full and faithful performance shall be for a sum determined by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection. The performance bond shall guarantee the improvement to be free of defects for one year after written acceptance by the City.

(3) If the subdivider fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds cost and expense incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference.

Section 21: FILING OF FINAL PLAT. The subdivider shall, without delay, submit the Final Plat for signatures of other public officials requried by law. Approval of the Final Plat shall be null and void if the plat is not recorded within thirty (30) days after the date the last required signature has been obtained.

APPROVAL OF STREETS AND WAYS

Section 22: CREATION OF STREETS OUTSIDE A SUBDIVISION.

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(1) The creation of a street shall be in conformance with requirements for a subdivision except, however, the City Council shall approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

(a) The establishment of the street is initiated by the City Council or County Court and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

(b) The tract in which the street is to be dedicated is an isolated ownership of one acre or less.

(c) The street is in a rural area and is related to farm or forest land uses in which no land parcel is less than five (5) acres.

(2) In those cases where approval of a street may be given without full compliance with the regulations applicable to a subdivision, a copy of the proposed deed shall be submitted to the City Recorder at least five (5) days prior to the City Council meeting at which consideration is requested. The deed and such information as may be submitted shall be reviewed by the City Council and, if not in conflict with the standards of Sections 24 to 28 of these regulations, shall be approved subject to any conditions necessary to preserve these standards.

Section 23: CREATION OF WAYS. An easement of way providing access to property and which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision or as provided in Section 22 of these regulations, except that a private easement of way to be established by deed without full compliance with these regulations shall be approved by the City Council if it is the only reasonable method by

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which the rear portion of an unusually deep lot large enough to warrant partitioning into two parcels may be provided with access, or if it is in a rural area and is related to farm or forest land uses in which no land parcel is less than five acres. A copy of the proposed document to create the easement shall be submitted to the City Recorder at least five (5) days prior to the meeting at which consideration is requested. The document and such information as may be submitted shall be reviewed by the City Council and, if assurance of adequate utility access is indicated, shall be approved.

DESIGN STANDARDS

Section 24: PRINCIPLES OF ACCEPTABILITY. The subdivision shall conform with any development plans of the City and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform with the requirements of state laws and with the standards established by this ordinance.

Section 25: STREETS.

(1) General. The location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land served by the streets. The street system shall assure an adequate traffic circulation system. Intersection angles, grades, tangents, and curves shall be appropriate for the traffic to be carried and to the terrain. Where their location is not shown in a development plan, the arrangement of streets in a subdivision shall either:

(a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(b) Conform to a plan for the neighborhood approved or adopted by the City Council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

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(2) Minimum right of way. Unless otherwise indicated on the development plan, the width of streets in feet shall not be less than the following:

Type of Street	Minimum Right of Way	Minimum Roadway
Major Street	80 feet	52 feet
Secondary Street	60 feet	44 feet
Continuous Minor Street	60 feet	44 feet
Minor Streets less than 1800 feet in continuous length	50 feet	36 feet
Radius for turn-around at end cul-de-sacs	60 feet	36 feet
Alleys	20 feet	20 feet

Where existing conditions, particularly the topography or the size and shape of land parcels, make it otherwise impractical to provide buildable lots, the City Council may accept a narrower right of way. If necessary, slope easements may be required.

(3) Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless thay are necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land composing such strips or street plugs shall be placed within the jurisdiction of the City under conditions approved by the City Council.

(4) Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the center lines thereof. In the case of minor streets, jogs creating "T" intersections shall have center line offsets of not less than 125 feet.

(5) Future extension of streets. Where necessary to give access to or permit satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turn-around.

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Reserve strips and street plugs may be required to preserve the objectives of street extensions.

(6) Intersection angles. Streets shall be laid out to intersect at an angle as near to a right angle as practical. Right-of-way lines at street intersections shall have a minimum corner radius of 15 feet.

(7) Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision.

(8) Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the City Council finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

(9) Cul-de-Sacs. A cul-de-sac shall be as short as practicable by may have a maximum length of 1200 feet. All cul-de-sacs shall terminate in a turn-around. If a cul-de-sac exceeds 400 feet in length, provision must be made to allow emergency vehicles to reach the turn-around from another street. One or more dedicated ways or easements shall be required and must be approved by the Fire Department.

(10) Street Names. No street name may be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City, and shall be subject to the approval of the City Council.

Section 26: BLOCKS.

(1) General. The length, width and shape of blocks shall take into account the need for adequate lot size and street width

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and shall recognize the limitations of the topography.

(2) Size. No block may be more than 1200 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception.

(3) Easements.

(a) Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be at least twelve (12) feet wide and centered on rear or side lot lines.

(b) Water courses. If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

(c) Pedestrian Ways. When desirable for public convenience, pedestrian ways may be required to connect cul-de-sacs or to pass through unusually long or oddly shaped blocks. It shall be the responsibility of the developer to install five-foot minimum sidewalks where pedestrian ways are required.

(d) Emergency Vehicle Access. When necessary or desirable for public safety, emergency vehicle ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

Section 27: LOTS.

(1) Size and Shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. Minimum lot standards shall conform to the City Zoning Ordinance. If the subdivision is in an unzoned

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area, minimum lot standards shall conform to the City Zoning Ordinance standards for the zone appropriate for the use contemplated in the subdivision.

(2) Access. Each lot shall abut upon a street other than an alley for a width of at least 20 feet.

(3) Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Section 28: BUILDING LINES. If special building setback lines are to be established in the subdivision, they should be shown on the subdivision plan or included in the deed restrictions.

IMPROVEMENTS

Section 29: IMPROVEMENT PROCEDURES. In addition to other requirements, improvements installed by the subdivider, either as a requirement of these regulations or at his own option, shall conform to the requirements of this ordinance and improvement standards and specifications followed by the City. The improvements shall be installed in accordance with the following procedure:

(1) Work shall not begin until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the Final Plat.

(2) Work shall not begin until the City has been notified in advance, and if work is discontinued for any reason it shall not resume until the City is notified.

(3) Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant the change in the public interest.

(4) All underground utilities, including sanitary sewers and storm drains, installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service

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connections shall be long enough to avoid disturbing the street improvements when service connections are made.

(5) A map showing all public improvements as built shall be filed with the City upon completion of the improvements.

Section 30: IMPROVEMENT REQUIREMENTS. The following improvements shall be installed at the expense of the subdivider:

(1) Water Supply. Lots within a subdivision shall be served by a public domestic water supply system conforming to City specifications.

(2) Sewage. Lots within a subdivision shall be served by a public sewage disposal system conforming to City specifications.

(3) Drainage. Such grading shall be performed and drainage facilities installed conforming to City specifications as is necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping stations shall be installed if necessary to protect the subdivision against flooding or other inundation.

(4) Streets and Sidewalks. The subdivider shall improve streets in the subdivision and the extension of such streets to the paving line of existing streets with which such streets intersect. Such improvements shall include proper base, curbs and pavement. A five-foot sidewalk on each side of the street within the subdivision may also be required. Any or all of these streets and sidewalk improvements may be required on an existing street which abuts the subdivision.

(5) Pedestrian Ways. A sidewalk not less than five feet wide shall be installed in pedestrian ways.

(6) Monuments. Upon completion of street improvements, monuments shall be re-established in monument boxes at every street

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intersection and points of curvature.

(7) No lot shall be sold on any given block until all of the above improvements have been installed and approved by the City in the street right of way that the lots front upon. All blocks in which lots are to be offered for sale shall adjoin previously improved street right of ways.

(8) All public utilities such as electric power, telephone and television cable services and mains shall be underground, unless otherwise required by the City Council.

(9) The subdivider shall install street and pedestrian way lights as required by the City.

EXCEPTIONS, VARIANCES AND ENFORCEMENT

Section 31: EXCEPTIONS IN CASE OF LARGE-SCALE DEVELOPMENT. The City Council may modify the standards and requirements of this ordinance if the subdivision plat comprises a complete neighborhood unit, a large-scale shopping center, or a planned industrial area. The City Council shall determine that such modifications are not detrimental to the public health, safety, and welfare and that adequate provision is made within the development for traffic circulation, open space, and other features that may be required in the public interest.

Section 32: VARIANCE APPLICATION. When necessary, the City Council may authorize conditional variances to the requirements of this ordinance. Application for a variance shall be made by petition of the subdivider, stating fully the grounds for the application. The petition shall be filed with the preliminary map of the subdivision. Before a variance may granted, the City Council shall first determine:

(1) That there are special conditions affecting the property that are not common to all property in the area.

(2) That the variance is necessary for the preservation and

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enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.

(3) That the variance complies with the spirit and intent of these regulations and will not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity.

Section 33: CITY COUNCIL ACTION ON VARIANCES. In granting a variance, the City Council shall make a written record of its findings and shall specifically describe the variance and any conditions which the Council may designate. The City shall keep the findings on file as a matter of public record.

Section 34: VALIDITY. If any provision of this ordinance shall for any reason be judged invalid or unconstitutional, the judgment shall not affect the validity of the rest of this ordinance.

Section 35: PENALTIES FOR VIOLATION. In addition to penalties provided by state law, any person who violates or fails to comply with any provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than $300.00 or by imprisonment for not more than thirty (30) days, or both for each day during which the violation continues.

PASSED and ADOPTED this 10 day of September, 1974, by Five (5) Councilpersons voting therefor.

APPROVED this 10 day of September, 1974.

Warren K. Stein
Mayor

ATTEST:

Ronald D Scoubes
City Recorder

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